



The Karnataka Border Area Development Authority Act, 2010

Act 12 of 2010

Keyword(s):

Authority, Border Area, Chairman, Department, Member, Projects and Programmes, Secretary, Regulations

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KARNATAKA ACT NO 12 OF 2010
THE KARNATAKA BORDER AREA DEVELOPMENT AUTHORITY ACT, 2010

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STATEMENT OF OBJECTS AND REASONS

Amending Act 12 of 2010.- It is considered necessary to provide for establishment of the Karnataka Border Area Development Authority to,-

- (a) develop people in 52 border taluks which have been identified and covered under the “border area” in all spheres of life, like Kannada language, culture, education, irrigation, environment, industry, health and agriculture;
- (b) protect the Kannada people from the influence of the neighbouring state language, culture, so that they should not be carried away from the Kannada environment socially, culturally, educationally and financially;
- (c) implement schemes to provide education in Kannada medium, text books, library and conducting lecture programme and also cultural programmes in Kannada language;
- (d) encourage handicraft industries, cottage industries and other facilities required for the benefit of kannadigas;
- (e) improve living conditions of the people in the border area and also the status of the Kannada speaking people in the neighbouring border areas; and
- (f) remove the insecurity feelings of the Kannadigas so that they get self respect.

Hence the Bill.

[L.A. Bill No. 5 of 2010, File No.DPAL 45 Shasana 2009]

[Entry 32 of List II of the Seventh schedule to the constitution of India.]

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KARNATAKA ACT NO 12 OF 2010

(First Published in the Karnataka Gazette Extra-ordinary on the third day of April, 2010)

THE KARNATAKA BORDER AREA DEVELOPMENT AUTHORITY ACT, 2010

(Received the assent of the Governor on the First day of April, 2010)

An Act to provide for establishment of the Karnataka Border Area Development Authority for the development of border areas of Karnataka and for monitoring and evaluating the implementation of projects and programmes related to the development of the border areas of Karnataka.

Whereas, it is expedient to provide for the establishment of the Karnataka Border Area Development Authority for the development of border areas of Karnataka and for monitoring and evaluating the implementation of projects and programmes relating to the development of the Border Areas of Karnataka;

Be it enacted by the Karnataka State Legislature in the sixty first year of the Republic of India as follows:-

1. Short title and commencement.- (1) This Act may be called the Karnataka Border Area Development Authority Act, 2010..

(2) It shall come into force on such date as the State Government may, by notification, appoint.

2. Definitions.- In this Act, unless the context otherwise requires,-

(a) "**Authority**" means, the Karnataka Border Area Development Authority constituted under section 3;

(b) "**Border area**" means, the Taluks and other areas situated in the border areas of Karnataka enumerated in the Schedule;

(c) "**Chairman**" means, the Chairman of the Authority;

(d) "**Department**" means, all departments of the State Government, including any body or corporation established by the State Government by or under any law or any institution or body of organisations receiving financial aid from the State Government;

(e) "**Member**" means, a member of the Authority;

(f) "**Projects and programmes**" means, the annual projects and programmes in various departments prepared by the Authority for the development of the border areas of Karnataka;

(g) "**Secretary**" means, the Secretary of the Authority;

(h) "**Regulations**" means, the regulations made under this Act.

CHAPTER - II

3. Constitution of the Authority.- (1) As soon as may be, after the commencement of this Act there shall be established for the purposes of this Act, an Authority for development of the border areas of Karnataka to be called the Karnataka Border Area Development Authority with its head-quarters at Bangalore.

(2) The Authority shall be a body corporate by the name aforesaid having perpetual succession and a common seal to contract and shall by the said name sue and be sued.

(3) The Authority shall consist of the following members, namely:-

(a) A person who has worked for the development of border areas of Karnataka nominated by the State Government to be the Chairman of the Authority.

(b) Seven persons nominated by the State Government -- Members having special knowledge or practical experience in the field of Literature, Administration, Education or Law who are aware of the problems of the border areas,

(c) The Secretary to Government, Department of Kannada, -- Ex-officio Member Culture and Information

(d) The Secretary to Government, Department of -- Ex-officio Member Parliamentary Affairs and Legislation

(e) The Secretary to Government, Department of Rural -- Ex-officio Member Development and Panchayath Raj

(f) The Principal Secretary to Government, Revenue -- Ex-officio Member Department

(g) The Director, Directorate of Kannada and Culture -- Ex-officio Member

(h) The President, Kannada Sahitya Parishath -- Ex-officio Member

(i) The Chairman, Karnataka Sahitya Academy -- Ex-officio Member

(j) The Chairman, Kannada Development Authority -- Ex-officio Member

(k) The Secretary of the Authority -- Member- Secretary

4. Term of office and conditions of service.- (1) Subject to the pleasure of the State Government, the Chairman and other members nominated by the State Government shall hold office for a period of three years. This shall not apply in case of an ex-officio member.

(2) The Chairman or a member other than an ex-officio member may resign his office by writing under his hand addressed to the State Government but shall continue in office until his resignation is accepted.

(3) A casual vacancy in the office of a Chairman or a member shall be filled by the State Government by nominating another person as Chairman or member as the case may be and the person so nominated shall hold office for the unexpired portion of the term of the office of his predecessor.

(4) The Chairman and other members shall receive such allowances as may be prescribed.

(5) The allowances payable to the Chairman and other members shall be defrayed out of the Fund of the Authority.

(6) No act or proceedings of the Authority shall be invalid by reason only of the existence of any vacancy or defect in the constitution of the Authority.

5. Disqualification for office of membership.- (1) A person shall be disqualified for being appointed as and for being a member, if he,-

(a) has been convicted and sentenced to imprisonment for an offence which in the opinion of the State Government involves moral turpitude; or

(b) is of unsound mind and stands so declared by a competent court; or

(c) is an undischarged insolvent ; or

(d) has been removed or dismissed from service of the Central Government or a State Government or a body or corporation owned or controlled by the Central Government or a State Government; or

(e) has directly or indirectly by himself or his partner any share or interest in any work done by the order of the Authority or in any contract or employment with or under or by or on behalf of the Authority.

(f) is employed as a paid legal practitioner on behalf of the Authority or accepts employment of legal practitioner against the Authority;

(2) A person shall not be disqualified under clause (e) of sub-section (1) or be deemed to have any share or interest in any contract or employment within the meaning of the said clause by reason only of his having a share or interest in any newspaper in which any advertisements relating to the affairs of the Authority is inserted.

6. Removal of member.- (1) The State Government shall remove the Chairman or other member if,-

(a) he becomes subject to any of the disqualifications mentioned in section 5:

Provided that no Chairman or member shall be removed on the ground that he has become subject to the disqualification mentioned in clause (e) of sub-section (1) of that section, unless he has been given an opportunity of making his representation against the proposal ; or

(b) he refuses to act or becomes incapable of acting; or

(c) he without obtaining leave of absence from the Authority absents from three consecutive meetings of the Authority ; or

(d) in the opinion of the State Government he has so abused his position as to render his continuance in office detrimental to the public interest:

Provided that no member shall be removed under this clause unless he has been given an opportunity of making his representation against the proposal.

7. Secretary.- The State Government shall appoint an officer not below the rank of Group A officer to be the Secretary of the Authority. The Secretary shall receive such salary and other allowances as the State Government may determine from time to time.

- (2) The State Government may grant from time to time leave of absence to the Secretary.
- (3) The Secretary shall be the Chief Executive of the Authority and shall,-
 - (a) be responsible for implementing the projects and programmes approved by the Authority;
 - (b) operate the fund of the Authority;
 - (c) cause to be maintained accounts of the Authority;
 - (d) discharge such other functions which are conferred on him by or under this Act or any other law for the time being in force; and
 - (e) be responsible for presentation of records of the office during inspection of Chairman.

8. Officers of the Authority and conditions of service.- (1) Subject to such rules as may be prescribed, the State Government or such other officer as the State Government may authorise, may appoint or depute such officers and employees of the authority as it may deem necessary for the efficient discharge of its functions.

- (2) The recruitment and terms and conditions of service of the officers and servants specified above shall be such as may be prescribed.

9. Meetings of the Authority.- (1) The meetings of the Authority shall be convened by the Chairman or by the Secretary with the prior approval of the Chairman and shall be held at any place within the jurisdiction of the Authority.

- (2) The Authority shall meet at least once in every two months.

(3) The Chairman or the Secretary with the prior approval of the Chairman shall convene a special meeting if the Chairman feels it necessary.

(4) The Authority shall observe such rules of procedure in regard to the transaction of business at its meeting as may be provided by regulations.

(5) Every meeting shall be presided over by the Chairman and if for any reason, the Chairman is unable to attend any meeting any other member chosen by the members present at the meeting shall preside at the meeting.

- (6) Nine members shall form the quorum.

10. Proceedings presumed to be good and valid.- No disqualification of or defect in the appointment of any person acting as Chairman or member shall be deemed to vitiate any act or proceeding of the Authority if such act or proceeding is otherwise in accordance with the provisions of this Act.

11. Sub-Committee.-The Authority may for any specific purpose constitute a Sub-Committee consisting of such members not exceeding six members from amongst its members, the Chairman of the Authority shall also be the Chairman of the Sub-Committee.

12. Powers and duties of Sub-Committee.- (1) The Sub-Committee shall exercise such of the powers and perform such duties of the Authority which are delegated to it by the Authority.

- (2) The Sub-Committee shall meet at least once in a month.

(3) The Sub-Committee shall take decisions on urgent matters to review the prompt implementation of the decision of the Authority and suggest on urgent matter for action by the State Government.

(4) The Sub-Committee shall observe such rules of procedure in regard to the transaction of business at its meetings as may be provided by regulations.

13. Obtaining the services of experts.- (1) In order to carry out the purposes of the Act, the Authority if necessary, may obtain the services or assistance of the experts in such manner as it may deems fit.

(2) Honorarium and allowances payable to such experts for the services or assistance so rendered shall be of such an amount as may be prescribed;

CHAPTER - III

14. Preparation of project and programmes.- The Authority shall every year prepare projects and programmes for the development of border areas and forward it to the State Government for approval. The State Government may approve the project and programmes with or without modification.

15. Functions of the Authority.- The Authority shall,-

(1) implement, supervise and evaluate the development works in the border areas and also improve the educational, social and cultural conditions of Kannada speaking people in the border areas of the neighbouring States.

(2) provide assistance for opening required number of Kannada medium schools in the areas outside the border of the State. Open Kannada medium schools to impart education in Kannada medium in those villages wherein Kannada schools have been closed by the neighbouring states and construct school buildings.

(3) assist in the appointment of required number of teachers in the border areas to teach in Kannada medium. Provide Kannada medium text books from time to time to the students studying in Kannada medium.

(4) open libraries in the border area to provide them access to Kannada daily, monthlies and weeklies to facilitate Kannadigas of those areas to learn about the day today developments in Kannada Language.

(5) grant annual aid to registered Kannada organisations for conducting pro-Kannada activities to facilitate development of Kannada language.

(6) arrange extension lecture programmes in order to motivate pro-Kannada organisations to work actively towards the development of Kannada as well as to form many Kannada Associations in the border area. Help them to organise series of extension lectures about Kannada Language.

(7) fulfill the cultural requirements of Kannadigas in the border area by organising cultural activities at border areas.

(8) provide suitable forum to exhibit art forms such as Kannada literature cinema, drama, folk, dance, Yakshagana, lavani, bayalata togalu bombezata, harikathe, music etc. Construct cultural auditoria for the exhibition of these art forms in the taluk headquarters, villages and for Kannadigas of other States.

(9) conduct Gadinadu and Horanadu festivals. Construct Kannada Bhavanas. Conduct several development programmes to improve the living conditions of the people in the border areas and to fulfill their cultural, social, financial, educational aspirations.

(10) conduct study regarding the facilities to be provided to the Scheduled Caste and Scheduled Tribes of the border area for security of their life and help them through the concerned departments.

(11) take steps to promote handicrafts, cottage industries and other village industries in the border area.

(12) supervise the facilities required for drinking water, health, agriculture, irrigation, road and for other development works to the villages in the border area to be provided through the concerned departments.

16. Implementation of the objectives of the Act.- The Authority shall implement the objectives of the Act through the Deputy Commissioner at District level, the Assistant Commissioner at the Sub-divisional level and the Tahsildar at the Taluk level.

17. Obtaining information.- The Authority may for the purpose of this Act seek and obtain information relating to implementation of the Border Area Development of Karnataka from any officer of the State Government and such officer shall be bound to furnish the information sought by the Authority.

18. Advise by the Authority.- The Authority, in order to carryout the purposes of this Act, shall advise the State Government regarding implementation of its projects and programmes.

19. Power to record dereliction of duty and to inform the appointing authority.- The Authority in order to carryout the purposes of the Act, shall record, any violation by the officers and officials of the State Government and local bodies of any order, issued by the Government from time to time or of any order, which is already in force as dereliction of duty and shall advise to the appointing authority for necessary action.

CHAPTER - IV

20. Fund of the Authority.- (1) There shall be a fund called the Border area development Authority Fund.

(2) The following shall form part of, or be paid into the Border area development Authority Fund, namely:-

(i) all grants, subversions, donations and gifts made by the Central Government, State Government, any local authority, any body whether in-corporated or not or any persons; and

(ii) all other sums received by or on behalf of the Authority from any source whatsoever.

(3) Except as otherwise directed by the State Government all money credited to the Fund shall be invested in any Scheduled bank.

(4) The administrative expenses to the Authority including the salaries, allowances and pensions payable to the Secretary and other officers and employees of the Authority shall be defrayed out of the Fund of the Authority.

21. Grant by State Government.- (1) The State Government shall every year make a grant to the Authority of a sum equivalent to the administrative expenses of the Authority.

(2) The State Government may keeping in view the project and programmes of the Authority, make financial allocations to the Authority in the annual Budget of the State.

22. Accounts and audit.- (1) Accounts of the income and expenditure of the Authority Fund shall be kept in accordance with such rules as may be prescribed.

(2) The Authority shall prepare an annual statement of accounts in such form as may be prescribed.

(3) The accounts of the Authority shall be audited annually by such auditor as the State Government may appoint.

(4) The auditor shall for the purposes of the audit, have access to all the accounts and other records of the Authority.

(5) The Authority shall pay from its fund such charges for the audit as may be prescribed.

(6) As soon as may be after the receipt of the report of the auditor, the Authority shall send a copy of the annual statement of accounts, together with a copy of the report of the auditor to the State Government and shall cause to be published the annual statement of accounts in such manner as may be prescribed.

(7) The State Government may after perusal of the report of the auditor give such directions as it thinks fit to the Authority and the Authority shall comply with such directions.

CHAPTER - V
MISCELLANEOUS

23. Report.- The Authority shall before such dates, in such form and at such interval as may be prescribed submit the prescribed report to the State Government.

24. Budget of the Authority.- The Authority shall prepare every year before such date and in such form as may be prescribed a budget estimate of its income and expenditure for the financial year to commence on the first day of April next following and shall forward it to the State Government.

25. Power to make rules.- (1) The State Government may, after previous publication by notification make rules to carryout the purposes of this Act.

(2) Every rule made under this Act shall be laid as soon as may be after it is made before each House of the State Legislature while it is in session for a total period of thirty days, which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session in which it is so laid or the session immediately following both Houses agree in making any modification in the rule or decide that any rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

26. Power of Authority to make regulations.- The Authority may subject to the provisions of this Act and the rules made under section 26 and with the previous sanction of the State Government, by notification, make regulations to carry-out the purposes of this Act.

SCHEDULE

[See clause (b) of section 2]

Sl.No.	Name of Taluks and other areas
(1)	(2)
1	Anekal
2	Hoskote
3	Kanakapur
4	Challakere
5	Hiriyur
6	Molakalmur
7	Bagepalli
8	Bangarpet
9	Chintamani
10	Gowribidanur
11	Gudibande
12	Malur
13	Mulbagil
14	Srinivasapur
15	Madhugiri
16	Pavagada
17	Sira
18	Bantwal
19	Mangalore
20	Puttur
21	Sullia
22	Madikeri
23	Virajpet

Sl.No.	Name of Taluks and other areas
(1)	(2)
24	Chamarajnagar
25	Gundlupet
26	Heggadadevanakote
27	Kollegal
28	Bijapur
29	Indi
30	Bellary
31	Sandur
32	Siriguppe
33	Afsalpur
34	Aland
35	Chincholi
36	Sedam
37	Shahapur
38	Yadgir
39	Manvi
40	Raichur
41	Athani
42	Belgaum
43	Hukkeri
44	Chikkodi
45	Khanapur
46	Karwar
47	Joida
48	Aurad
49	Basavakalyan
50	Bhalki
51	Bidar
52	Humnabad

The above translation of the ಕನಾರ್ಚಿಕ ಗಡಿ ಪದೇಶ ಅಭಿವೃದ್ಧಿ ಪ್ರಾಧಿಕಾರ ಅಧಿನಿಯಮ, 2010 (2010ರ ಕನಾರ್ಚಿಕ ಅಧಿನಿಯಮ ಸಂಖ್ಯೆ: 12) be published in the Official Gazette under clause (3) of Article 348 of the Constitution of India.

H.R.BHARDWAJ
GOVERNOR OF KARNATAKA

By Order and in the name of the Governor of Karnataka
G.K. BOREGOWDA
Secretary to Government
Department of Parliamentary Affairs & Legislation